

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ARON LEE BOYD-NICHOLSON,

Plaintiff,

vs.

STEPHANIE SNODGRASS, LPN; and
APRIL ROLLINS, RN;

Defendants.

8:15CV424

PROTECTIVE ORDER

This matter is before the court on the parties' joint motion for entry of a Stipulated Protective Order. ([Filing No. 68](#).) Pursuant to the parties' request, the court enters the following Stipulated Protective Order.

The parties to this action, by and through their respective counsel of record, hereby stipulate and agree as follows:

1. Defendants have agreed to provide to Plaintiff's attorneys, copies of Plaintiff's inmate institutional file and medical records.
2. These requested documents are contained in a file maintained by the State of Nebraska Department of Correctional Services (NDCS) pursuant to Neb. Rev. Stat § 83-178 and concern the incarceration of Aron Boyd, inmate # 73305.
3. The parties agree that the files here in question may contain material relevant to the above captioned action.
4. Neb. Rev. Stat. § 83-178 states in relevant part: ". . . The content of the file shall be confidential and shall not be subject to public inspection except by

court order for good cause shown and shall not be accessible to any person committed to the department.”

5. The parties agree that the Defendant will withhold copies of the Plaintiff’s Presentence Investigation Report, as these reports are privileged under Neb. Rev. Stat. § 29-2261(6).

6. The parties agree that this Court may enter an order allowing the inspection of the files here in question.

7. The parties agree that the records of the Nebraska Department of Correctional Services and any copies thereof shall be utilized by the Plaintiff and Defendant solely in connection with discovery, pretrial proceedings, preparation for trial, trial, appeal and/or settlement in the above-captioned matter, and for no other purpose, and shall not be disseminated, published, shown or otherwise disclosed to any person or entity except as provided herein.

8. All persons to whom the records are disclosed pursuant to this Order shall:

- a. be responsible for keeping such custody of control over said records so as to assure that said records are not lost, misplaced, or inadvertently disclosed in violation of the provisions of this Order;

- b. not reveal the contents of the records to any person not already subject to the terms of this Order; and
- c. not reveal or use the contents of the records except for the purposes set forth in Paragraph 7 above.

9. After this action is terminated by the entry of a final and no-further-appealable order, the records and the information contained therein shall not thereafter be disclosed to any third party.

10. Counsel agrees not to make available to any person committed to NDCS the content of the inmate file here in question without further order of this Court.

11. The entry into this Stipulation by the parties in no way relieves either party from complying with any applicable rules of civil procedure.

12. Before counsel discloses any records specified in this Stipulation and Protective Order to any designated expert or consultant such expert or consultant must first execute the following agreement:

AGREEMENT OF CONFIDENTIALITY

I hereby certify that I have read the Protective Order entered on January 16, 2018, (the "Order") in the action now pending in the United States District Court of Nebraska, entitled *Boyd-Nicholson v. Snodgrass*, 8:15CV424 and am fully familiar with its terms. I understand that in the course of my activities in connection with the Action, I may have occasion to examine, inspect, or be exposed to the

records of the Nebraska Department of Correctional Services, and that the confidentiality of said records is protected by various Nebraska statutes. I therefore agree to be bound and comply with all of the terms and prohibitions of the Order and not to do any act or thing in violation of the Order.

IT IS THEREFORE ORDERED that the parties' joint motion for entry of this Stipulated Protection Order ([Filing No. 68](#)) is granted.

Dated this 16th day of January, 2018.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge

AGREED AS TO FORM AND CONTENT this 12th day of January, 2018.

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